

CERTIFIED FOR PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

BOB BEJARANO,

Defendant and Appellant.

B180922

(Los Angeles County
Super. Ct. No. PA046430)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on April 16, 2007, be modified as follows:

1. On page 2, at the end of the fourth sentence of the first full paragraph, add as footnote 2 the following footnote, which will require renumbering of all subsequent footnotes:

² As noted below, respondent does not dispute that, under the transferred intent doctrine, appellant's intent to shoot the rival gang members transferred to the otherwise unintended victim with the result that appellant feloniously assaulted the latter, killing him.

2. On page 2, the last full sentence beginning "Moreover, there is no dispute" is deleted.
3. On page 15, footnote 6, the number "5" is changed to "6" so the footnote reads:

See footnote 6.

4. On page 17, the second sentence of the first full paragraph, the number “2” is changed to “3” so the sentence reads:

As mentioned, the trial court instructed on express and implied malice (see fn. 3).”

[There is no change in the judgment.]